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GROUP 1600

Atty Docket No. 15270J-004740US

PTO FAX NO.: (703) 872-9306

ATTENTION: Examiner Sharon L. Turner

Group Art Unit 1647

OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF
EXAMINER Sharon L. Turner

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following documents being facsimile transmitted to the Patent and Trademark Office, facsimile number (703) 872-9306, on the date shown below for In re Application of Schenk, Dale B., Application No. 09/322,289, filed May 28, 1999 for PREVENTION AND TREATMENT OF AMYLOIDOGENIC DISEASE.

Document(s) Attached

1. Communication (2 pages);
2. Communication Result Report Dated May 29, 2002 (1 page);
3. Communication w/ Cert. of Facsimile Transmission Submitted May 29, 2002 (1 page);
4. Page 12 of the Amendment Filed December 3, 2001 (1 page).

Number of pages being transmitted, including this page: 6

Dated: August 13, 2002

Rosemarie L. Celli
Rosemarie L. Celli, Reg. No. 42,397

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By:

Rosemarie L. Colli

Rosemarie L. Colli, Reg. No. 42,397

GROUP 1600

PATENT
Attorney Docket No.: 15270J-004740US
Client Ref. No.: 209-US-CIPS

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Schenk, Dale B.

Application No.: 09/322,289

Filed: May 28, 1999

For: PREVENTION AND TREATMENT
OF AMYLOIDOGENIC DISEASE

Examiner: Turner, Sharon L.

Art Unit: 1647

RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is being submitted in response to the Office Action mailed August 5, 2002, which that the Amendment filed May 17, 2002 is not fully responsive to the prior Office Action because it was not signed. In an August 8, 2002 telephone conference with the Examiner, it was determined that the unsigned Amendment was filed on December 12, 2001, not May 17, 2002.

Applicant submits the following papers which are attached hereto.

1. Communication (2 pages);
2. Communication Result Report Dated May 29, 2002 (1 page);
3. Communication w/ Cert. of Facsimile Transmission Submitted May 29, 2002 (1 page); and,
4. Page 12 of the Amendment Filed December 3, 2001 (1 page).

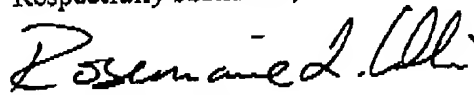
PATENT

Schenk, Dale B.
Application No.: 09/322,289
Page 2

Page 12 of the Amendment filed December 3, 2001 includes the signature of Applicant's representative. Applicant notes that page 12 was previously submitted on May 29, 2002 as evidenced by the following papers: (1) Communication Result Report; and, (2) Communication w/ Certificate of Facsimile Transmission.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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REASON FOR ERROR
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ATTENTION: Examiner Gloria Trammell
Group Art Unit 1647Attr Docket No. 15270J-004740US
Application No. 09/322,289
Filed May 28, 1999**OFFICIAL COMMUNICATION FOR THE PERSONAL ATTENTION OF****Examiner Gloria Trammell****CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that on May 29, 2002 the following paper is being transmitted to the United States Patent and Trademark Office, facsimile no. (703) 308-4242, for the Application of Schenk, Dale B. et al., Application No. 09/322,289, filed May 28, 1999 for PREVENTION AND TREATMENT OF

ALAN ALZAGUERO DISEASE

PTO FAX NO.: (703) 308-4242
ATTENTION: Examiner Gloria Trammell
Group Art Unit 1647

Atty Docket No. 15270J-004740US
Application No. 09/322,289
Filed May 28, 1999

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Examiner Gloria Trammell

CERTIFICATION OF FACSIMILE TRANSMISSION

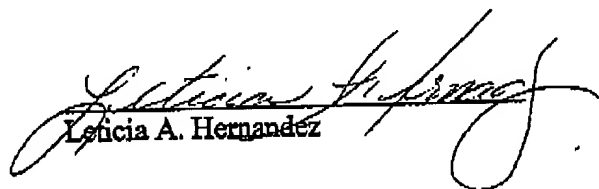
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Papers Attached

1. Amendment (page 12 only – signature page)(1 page).

Number of pages being transmitted, including the Official Communication for the Personal Attention of Gloria Trammell dated May 29, 2002: 2 pages

Dated: May 29, 2002


Leticia A. Hernandez

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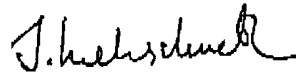
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Schenk, Dale B.
Application No.: 09/322,289
Page 12

As discussed in connection with Friedland, administration of an antibody for purposes of in vivo imaging does not necessarily result in prevention or treatment of Alzheimer's disease. Therefore, one would have to modify Walker's imaging process not only by performing it on humans, but by altering the regime in such a manner as to prevent or treat Alzheimer's disease. For example, it is likely that antibody would have to be administered over a longer period to treat or prevent Alzheimer's disease than would be required to produce detectable label for imaging. Walker does not provide guidance as to how the regime might be altered for prevention or treatment of disease rather than imaging. Further, the expectation of success from altering Walker's own regime must be viewed in the context of a disease for which no treatment was available despite considerable commercial and humanitarian grounds for developing a treatment. In view of the lack of guidance of Walker as to alternative regimes for treatment, and the fact that Alzheimer's disease was viewed as being difficult if not impossible to treat, it is submitted that Walker does not provide a reasonable expectation of success of preventing or treating Alzheimer's disease.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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